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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001012

SIPDIS

DEPARTMENT FOR INL/AE - EFLOOD; AF/W FOR CUNDIFF
LAGOS FOR DEA

E.O. 12958: 6/10/03

TAGS: [PGOV](#) [KDEM](#) [KCRM](#) [PREL](#) [NI](#)

SUBJECT: NIGERIA: MEETING WITH MINISTER OF JUSTICE

REF: ABUJA 856

Classified by: Ambassador Howard F. Jeter. Reasons 1.5(b) and (d)

11. (C) Summary: During a May 2 meeting to deliver the non-paper on narcotics and law enforcement certification to the Minister of Justice Kanu Agabi (Reftel), Ambassador Jeter took the opportunity to discuss the April elections with the Minister. The blunt, straight-talking Agabi decried the manipulation and vote tampering that affected the elections in some states. Agabi opined that the electoral tribunals should overturn some of the most egregious actions. For the longer term, he said that the Independent National Electoral Commission needed a major overhaul to improve its political impartiality and technical competence. End Summary.

12. (C) Minister Agabi thanked the Ambassador for the congratulatory message from the White House to President Obasanjo. Agabi said Obasanjo was very pleased. Ambassador Jeter replied the United States recognized the elections were occasioned by serious irregularities in some areas of the country but still the process yielded some positive results. He pointed out that Nigeria has a growing consensus on the electoral law, there is now the beginnings of a computerized voter roll, eligibility requirements for political parties are now clear, voter turn out was encouraging, and the conduct of the elections was generally peaceful. He pointed out, however, that INEC needed significant reform, starting with the appointment process. (INEC National and State Commissioners are appointed by the President). Agabi agreed but predicted INEC reform would be unlikely because the election had further weakened the opposition in the National Assembly that would have been the element to advocate this reform. Ambassador Jeter responded that "a PDP super majority in the Assembly may not be such a good thing either." The Ambassador expressed hope the new National Assembly would perform better than its predecessor. He observed that some of the newly elected lawmakers were "reformers" who could improve the Assembly and that the Embassy would try to work with them. Agabi responded by saying, "democracy is an experiment in Nigeria, 75 percent of the resources are spent on 10 percent of the people." The National Assembly is too large and the Cabinet is bloated with too many Ministers, he asserted. When asked to assess the prospects for reforms in the second Obasanjo Administration, the Minister responded that one of the President's problems was that he followed the last advice given; this was compounded by the fact that he had too many advisors.

13. (C) The Ambassador asked the Justice Minister for his thoughts on the next President of the Senate and Speaker of the House. Agabi replied that under the current arrangement of zoning key positions to specific geopolitical regions, the Senate Presidency would go to the Southeast, but he then complained "there are no viable candidates from that region". He continued, "there are very inexperienced people in the National Assembly. They are often very active but on the wrong subjects."

14. (C) The Ambassador expressed deep concern regarding electoral irregularities and hoped the electoral tribunals would look seriously at the results of elections in several States, including Rivers, where there were allegations of widespread irregularities and fraud. He recounted seeing photographs of full ballot boxes that had been thrown into a ravine. Ambassador Jeter also mentioned Cross Rivers, Anambra,

Enugu, Edo, and Plateau States as other places where gross irregularities occurred. He further stated that the tribunals should look at the gubernatorial and National Assembly contest or problems could be expected, especially in the Southeast and part of the South-South.

15. (C) At this point, Agabi said that he would "insist" to the President that action be taken. He stated that there were "instances of gross malfeasance because no elections were held in Cross Rivers". "Crimes have been committed by high officials", he asserted. He also stated that there were similar reports from foreign observers. He commented that the observers were invited to observe and their opinions should be heard. When asked if the President could do anything about this, the Minister replied that he would tell the President to instruct the Tribunals that some election results should be thrown out.

16. (C) Agabi briefly mentioned the status of GON efforts to recoup stolen government funds from the family of the late Head of State Sani Abacha. So far, efforts to recover approximately 1.5 billion dollars have been futile, Agabi said. While the funds have been frozen, the GON is no closer to getting them returned. Ambassador Jeter asked Agabi about the assassination case of former Justice Minister, Bola Ige. Agabi's only remark was that the people currently on trial were probably not the real killers, an admission that he said he would not make public.

JETER